

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

FERDINAND AGUIRRE,
Petitioner,

v.

ERIC TICE, et al.,
Respondents.

CIVIL ACTION

NO. 16-5464

FILED

OCT 04 2018

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 4th day of October, 2018, upon careful and independent consideration of the petition for a writ of habeas corpus, the counseled brief, the response, and available state court records, and after review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge, it is **ORDERED** that:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. The petition for a writ of habeas corpus is **DISMISSED**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not demonstrated that reasonable jurists would debate the correctness of this procedural ruling. *See* 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 484 (2000); and
4. The Clerk of the Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT:


JOEL H. SLOMSKY, J.